

Supreme Court of Kentucky

2012-SC-091-TG

LEGISLATIVE RESEARCH COMMISSION

APPELLANT

V. APPEAL FROM FRANKLIN CIRCUIT COURT
FRANKLIN CIRCUIT COURT NO. 12-CI-00109
COURT OF APPEALS NO. 2012-CA-000266-MR

JOSEPH M. FISCHER, ET AL.

APPELLEES

AND

2012-SC-092-TG

LEGISLATIVE RESEARCH COMMISSION

APPELLANT

V. APPEAL FROM FRANKLIN CIRCUIT COURT
FRANKLIN CIRCUIT COURT NO. 12-CI-00109
COURT OF APPEALS NO. 2012-CA-000264-I

JOSEPH M. FISCHER, ET AL.

APPELLEES

ORDER

AFFIRMING

Before this Court is the decision of the Franklin Circuit Court, which held House Bill 1 (2012), the reapportionment act of 2012, unconstitutional under Section 33 of the Kentucky Constitution and further enjoined the implementation of the new legislative

districts for the 2012 elections. Having considered the briefs filed by the parties and having heard oral argument thereon, this Court concludes that House Bill 1 (2012), the reapportionment act of 2012, is facially unconstitutional in violation of Section 33 of the Kentucky Constitution, as construed by *Fischer v. State Board of Elections*, 879 S.W.2d 475 (Ky.1994). Accordingly, we affirm the trial court.

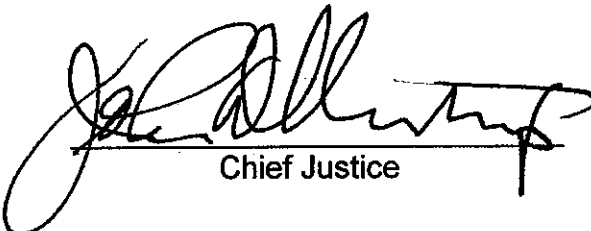
Because of the need for certification of candidates by the Secretary of State no later than February 27, 2012, and to ensure an orderly process for the Secretary of State and the State Board of Elections to follow in conducting the upcoming elections, this Court is compelled to reiterate that Appellant's motion to dissolve the temporary injunction entered on February 7, 2012, in the above-styled actions has been denied. Until the General Assembly passes redistricting legislation that complies with Section 33 of the Kentucky Constitution, the terms of the injunction entered by the Franklin Circuit Court remain in place as follows:

1. The districts as enacted in the 2002 Ky. Acts and codified in KRS 5.200, et seq., remain in place with the election to be conducted with the boundaries in effect immediately prior to the enactment of House Bill 1 (2012).
2. The filing deadline for the aforesaid districts was February 10, 2012.

Due to the expedited nature of these actions, preparation of a full opinion at this time was not possible but such opinion will follow this order.

All concur, except Scott, J., not sitting.

ENTERED: February 24, 2012.


Chief Justice